

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

REC'D 12 MAY 2005

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/B2005/050855

International filing date (day/month/year)
09.03.2005

Priority date (day/month/year)
23.03.2004

International Patent Classification (IPC) or both national classification and IPC
H04N5/76

Applicant
KONINKLIJKE PHILIPS ELECTRONICS N.V.

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/050855

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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International application No.
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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes:	Claims	
	No:	Claims	1-21
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-21
Industrial applicability (IA)	Yes:	Claims	1-21
	No:	Claims	

2. Citations and explanations

see separate sheet

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International application No.

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1 Reference is made to the following documents:

- D1 : US 2002/186961 A1 (KIKUCHI SHINICHI ET AL) 12 December 2002 (2002-12-12)
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D4 : US 2002/094191 A1 (HORIE MASAHIRO ET AL) 18 July 2002 (2002-07-18)
D5 : US 2002/136538 A1 (CHEN YINGWEI) 26 September 2002 (2002-09-26)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document): Recording with multiple qualities whereof high quality at 6 Mbps and low quality at 2 Mbps. Not enough free space area results into a warning and dialog to reduce the bit rate representing the quality. It is basically the user who specifies the quality independently of the recording amount and free space.

2.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D2 discloses (the references in parentheses applying to this document): The user selects a fixed length coding or a variable length coding, the variable length coding representing the (high) quality of an image since no parts are cut such as in fixed length coding. The free space is calculated, the coding capacity, the compression and the recording thereof.

2.3 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D3 discloses (the references in parentheses applying to this document): When there is not enough space the compression is increased and the target audio

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quality decreases under tracking the recording period and the recording space.

- 2.4 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
Document D4 discloses (the references in parentheses applying to this document): Calculation of recording period and free space for multiple scenes with high and low quality.
- 2.5 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
Document D5 discloses (the references in parentheses applying to this document): Quality setting by selecting a target bit rate and determining the amount of free space in the storage to decide about the bit rate.

3 INDEPENDENT CLAIM 11

- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 11 is not new in the sense of Article 33(2) PCT.
Document D1 discloses (the references in parentheses applying to this document): Recording with multiple qualities whereof high quality at 6 Mbps and low quality at 2 Mbps. Not enough free space area results into a warning and dialog to reduce the bit rate representing the quality. It is basically the user who specifies the quality in dependence of the recording amount and free space.
- 3.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 11 is not new in the sense of Article 33(2) PCT.
Document D2 discloses (the references in parentheses applying to this document): The user selects a fixed length coding or a variable length coding, the variable length coding representing the (high) quality of an image since no parts are cut such as in fixed length coding. The free space is calculated, the coding capacity, the compression and the recording thereof.
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subject-matter of claim 11 is not new in the sense of Article 33(2) PCT.

Document D3 discloses (the references in parentheses applying to this document):
When there is not enough space the compression is increased and the target audio quality decreases under tracking the recording period and the recording space.

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Document D5 discloses (the references in parentheses applying to this document): Quality setting by selecting a target bit rate and determining the amount of free space in the storage to decide about the bit rate.
- 4 DEPENDENT CLAIMS 2-10, 12-21
Dependent claims 2-10, 12-21 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

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	No:	Claims	1-21
Industrial applicability (IA)	Yes:	Claims	1-21
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